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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,637	10/23/2003	Makoto Nagasawa	03USFP917-M.K.	9154

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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC  
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VIENNA, VA 22182-3817

EXAMINER

ALAM, FAYYAZ

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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11/28/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/690,637

Applicant(s)

NAGASAWA, MAKOTO

Examiner

Fayyaz Alam

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7-10 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-10 and 13-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/6/2007 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 8/9/2007 have been fully considered but they are not persuasive.

Applicant argues on pg. 8 that the rejection of claim 12 does not exist in the Office Action mailed 6/6/2007. Further, that none of the references disclose "disconnect said base band block from said application function block".

Examiner respectfully disagrees. The rejection of claim 12 clearly exists in the office action dated 6/6/2007 on pgs. 12 - 13.

Therefore, the rejections independent claims 1, 9, and 15 still stand.

***Claim Rejections - 35 USC § 103***

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1 - 2, 7 - 10, and 13 - 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Okano (UK Patent Application # 2,343,335)** in view of **Bach et al. (U.S. Application # 2001/0023182)** and further in view of **Guterman (U.S. Patent # 7,062,303)**.

Consider **claims 1 and 9**, Okano discloses system and a method of power saving in a mobile terminal comprising: a power circuit (11) (read as battery) coupled to the transmitting and receiving section (7 & 8) (read as radio communication block); a power supply circuit (13) (read as power supply block), which distributes power from the power circuit (11) (read as battery) to all parts of the mobile terminal (read as through a first switch and directly to key operation section) (see fig. 1; pg. 6, lines 8 - 9); a transmitting and receiving section (7 & 8) (read as radio communication block) which communicates with a base station when said power is supplied from said power circuit (11) (read as battery) through a power supply circuit (13) (read as power supply block), since it is a mobile phone, therefore it will be in communication with the base station to accomplish its purpose (see fig. 1); a switch (12) (read as a first switch) which is

interposed between said power supply circuit (13) (read as power supply block) and transmitting and receiving section (7 & 8) (read as radio communication block) (see fig. 1); a data input section (6) (read as key operation section) to which power is always supplied from said power circuit (11) (read as battery) through said power supply circuit (13) (read as power supply block) (see fig. 1); a control circuit (1) (read as control unit) which controls said switch (12) (read as first switch) to cut-off (read as stop) the power supply to the transmitting and receiving section (7 & 8) (read as radio communication block) in response to a user input from the data input section (60) (read as in response to a manual key operation of said key operation section) such that communication function is effectively terminated between the mobile terminal and the base station (see fig. 1; pg. 5 line 20 - pg. 6, line 20); a base band block which is connected with said first switch; an application function block to which said power is always supplied from said battery through said power supply block and, is possible to accomplish application functions; and a second switch which is interposed between said application function block and said base band block, wherein the power supply to said base band block is stopped when said control unit controls said first switch to stop the power supply from said battery to said radio communication block in response to said manual operation of said key operation section, and wherein said control unit is contained in said application function block and controls said second switch to disconnect said base band block from said application function block. Okano discloses information processing function of the portable communication system is supplied with power while the communication is stopped with the base station and application functions such as telephone directory,

browser, schedule manager, etc. can be carried out (read as an application function block to which said power is always supplied from said battery through said power supply block and is possible to accomplish application functions; see fig. 1; pg. 7, lines 1 - 11).

However, Okano does not explicitly disclose controlling said first switch to stop the power supply from said battery to said base band block in addition to said radio communication block in response to said manual operation of said key operation section. Furthermore, Okano does not explicitly disclose disconnecting said application function block from said base band block in response to said manual operation of the key of said key operation section.

In the related field of endeavor, Bach et al. discloses cellular phone with a power button (read as key), where, when said button is in OFF position (read as manual operation of the key of said key operation section) the cellular phone is inoperable and cannot receive or transmit calls and when the power button is in ON position the cellular phone can receive and transmit communications (read as supplying power to base band block and radio communication block) and when the power button is in the ON position the mobile is able to communicate with the base station. It is well-known to the art of cell or mobile phones to have a base band, application function, and a radio communication block and when the power button is turned off to the said phone, the power is stopped to all parts of the phone thereby effectively disconnecting the base band block from the radio communication block and the application function block since the base band and radio communication blocks are essential to the operability of the mobile phone (read as

disconnecting said application function block from said base band block in response to said manual operation of the key of said key operation section) (see [0004]). Bach et al. further discloses cellular phone with a power button (read as first switch), where, when said button is in OFF position (read as manual operation of said key operation) the cellular phone is inoperable and cannot receive or transmit calls and when the power button is in ON position the cellular phone can receive and transmit communications (read as supplying power to base band block and radio communication block). It is well-known to the art of cell or mobile phones to have a base band and a radio communication block and when the power button is turned off to the said phone, the power is stopped to all parts of the phone thereby effectively disconnecting the base band block to the radio communication block since the base band and radio communication blocks are essential to the operability of the mobile phone (read as a base band block which is connected with said first switch, wherein the power supply to said base band block is stopped when said control unit controls said first switch to stop the power supply from said battery to said radio communication block in response to said manual operation of said key operation section) (see [0004]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Okano with the teachings of Bach et al. in order to conserve power.

Furthermore, Okano as modified by Bach et al. fail to disclose a second switch which is interposed between said application function block and said base band block,

wherein said control unit is contained in said application function block and controls said second switch to disconnect said base band block from said application function block.

In the related field of endeavor, Guterman disclose general purpose processor (24) (read as application function block) and baseband processor (12) (read as base band block) comprising of software for implementing a power saving feature (read as second switch interposed between application function and base band block), wherein a power saving software feature (also read as control unit) contained in both the baseband processor (12) and general purpose processor (24) (read as control unit contained in application function block) that controls the power saving software feature (read as second switch) to lower the power consumption states (read as disconnect said base band block from the said application block) (see fig. 1; col. 1, lines 9 - 17; col. 2, lines 1 - 29).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of above with the teachings of Guterman et al. in order to conserve power.

Consider **claim 2** as applied to claim 1, Okano discloses while the communication of the transmitting and receiving section (7 & 8) (read as radio communication block) with the base station is stopped, the information processing functions (read as base band block) are supplied with power and applications such as telephone directory, browser, schedule manager, etc. (read as application functions) can remain effective (see fig. 1; pg. 7, lines 1 - 11).



Consider **claims 7, 13, and 19** as applied to claims 1, 9, and 15, Okano discloses user inputs a transmission suspension command (read as manual operation of a key) through the data input section (6) (read as key operation section) and the control circuit (1) (read as control unit) controls the switch (12) (first switch) to be turned off and in the event the transmission suspension period is ended the user inputs a command (read as manual operation) which cancels the power cut off signal and consequently the switch (12) (read as controlling said first switch) is turned on (see pg. 6, lines 13 - 20; pg. 11, lines 11 - 19).

Consider **claims 8, 14, and 20** as applied to claims 1, 9, and 15, Okano discloses a timer (9) with a certain time limit (read as predetermined time is set) and the timer counts down the transmission suspension time and when the timer runs out (read as timer measures the predetermined time) the portable communication system is returned to normal operation (read as control unit controls said first switch to be turned on) (see pg. 6 lines 7 - 20; pg. 7, lines 16 - 23).

Consider **claim 10** as applied to claim 9, Okano discloses communication through the transmitting and receiving section (7 & 8) (read as radio communication block) with the base station and carrying out information processing functions (read as base band block) when the power is supplied to applications such as telephone directory, browser, schedule manager, etc. (read as application functions) (see fig. 1; pg. 7, lines 1 - 11).

However, Okano fails to disclose disconnecting said base band block from said radio communication block in response to said manual operation of the key of said key operation section.

In the related field of endeavor, Bach et al. discloses cellular phone with a power button (read as first switch), where, when said button is in OFF position (read as manual operation of said key operation) the cellular phone is inoperable and cannot receive or transmit calls and when the power button is in ON position the cellular phone can receive and transmit communications (read as supplying power to base band block and radio communication block). It is well-known to the art of cell or mobile phones to have a base band and a radio communication block and when the power button is turned off to the said phone, the power is stopped to all parts of the phone thereby effectively disconnecting the base band block to the radio communication block since the base band and radio communication blocks are essential to the operability of the mobile phone (read as a disconnecting said base band block from said radio communication block in response to said manual operation of the key of said key operation section) (see [0004]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of above with the teachings of Bach et al. in order to conserve power.

Consider **claim 15**, Okano discloses system of power saving in a mobile terminal comprising: a power circuit (11) (read as battery) coupled to the transmitting and receiving section (7 & 8) (read as radio communication block); a power supply circuit

(13) (read as power supply block), which distributes power from the power circuit (11) (read as battery) to all parts of the mobile terminal (read as through a first switch and directly to key operation section) (see fig. 1; pg. 6, lines 8 - 9); a transmitting and receiving section (7 & 8) (read as radio communication block) which communicates with a base station when said power is supplied from said power circuit (11) (read as battery) through a power supply circuit (13) (read as power supply block), since it is a mobile phone, therefore it will be in communication with the base station to accomplish its purpose (see fig. 1); a switch (12) (read as a first switch) which is interposed between said power supply circuit (13) (read as power supply block) and transmitting and receiving section (7 & 8) (read as radio communication block) (see fig. 1); a data input section (6) (read as key operation section) to which power is always supplied from said power circuit (11) (read as battery) through said power supply circuit (13) (read as power supply block) (see fig. 1); a control circuit (1) (read as control unit) which controls said switch (12) (read as first switch) to cut-off (read as stop) the power supply to the transmitting and receiving section (7 & 8) (read as radio communication block) in response to a user input from the data input section (60) (read as in response to a manual key operation of said key operation section) such that communication function is terminated (see fig. 1; pg. 5 line 20 - pg. 6, line 20).

However, Okano does not explicitly disclose controlling said first switch to stop the power supply from said battery to said base band block in addition to said radio communication block in response to said manual operation of said key operation section. Furthermore, Okano does not explicitly disclose disconnecting said application

function block from said base band block in response to said manual operation of the key of said key operation section.

In the related field of endeavor, Bach et al. discloses cellular phone with a power button (read as key), where, when said button is in OFF position (read as manual operation of the key of said key operation section) the cellular phone is inoperable and cannot receive or transmit calls and when the power button is in ON position the cellular phone can receive and transmit communications (read as supplying power to base band block and radio communication block) and when the power button is in the ON position the mobile is able to communicate with the base station. It is well-known to the art of cell or mobile phones to have a base band, application function; and a radio communication block and when the power button is turned off to the said phone, the power is stopped to all parts of the phone thereby effectively disconnecting the base band block from the radio communication block and the application function block since the base band and radio communication blocks are essential to the operability of the mobile phone (read as disconnecting said application function block from said base band block in response to said manual operation of the key of said key operation section) (see [0004]). Bach et al. further discloses cellular phone with a power button (read as first switch), where, when said button is in OFF position (read as manual operation of said key operation) the cellular phone is inoperable and cannot receive or transmit calls and when the power button is in ON position the cellular phone can receive and transmit communications (read as supplying power to base band block and radio communication block). It is well-known to the art of cell or mobile phones to have a base band and a radio

communication block and when the power button is turned off to the said phone, the power is stopped to all parts of the phone thereby effectively disconnecting the base band block to the radio communication block since the base band and radio communication blocks are essential to the operability of the mobile phone (read as a base band block which is connected with said first switch, wherein the power supply to said base band block is stopped when said control unit controls said first switch to stop the power supply from said battery to said radio communication block in response to said manual operation of said key operation section) (see [0004]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Okano with the teachings of Bach et al. in order to conserve power.

Furthermore, Okano as modified by Bach et al. fail to disclose a second switch which is interposed between said application function block and said base band block, wherein said control unit is contained in said application function block and controls said second switch to disconnect said base band block from said application function block.

In the related field of endeavor, Guterman disclose general purpose processor (24) (read as application function block) and baseband processor (12) (read as base band block) comprising of software for implementing a power saving feature (read as second switch interposed between application function and base band block), wherein a power saving software feature (also read as control unit) contained in both the baseband processor (12) and general purpose processor (24) (read as control unit contained in application function block) that controls the power saving software feature

(read as second switch) to lower the power consumption states (read as disconnect said base band block from the said application block) (see fig. 1; col. 1, lines 9 - 17; col. 2, lines 1 - 29).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of above with the teachings of Guterman et al. in order to conserve power.

**Claims 16 - 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Okano (UK Patent Application # 2,343,335)** in view of **Bach et al. (U.S. Application # 2001/0023182)** in view of **Guterman (U.S. Patent # 7,062,303)** and further in view of **Usami (USPN 7,062,303)**.

Consider claims **16 and 17** as applied to claim 15, Okano fails to disclose said claims.

In the related field of endeavor, Usami disclose controller (14) (read as control unit and first and second switch) controls to turn off the transmitting/receiving section (16) (read as stop communication between the mobile terminal and the base station) (see abstract; fig. 1).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Okano with the teachings of Usami in order to completely prevent communication of a cell phone device and thereby avoiding malfunctioning of other critical electronic devices.

Consider **claim 18** as applied to claim 15, Okano fails to disclose said claim.

In the related field of endeavor, Usami discloses main power supply of the mobile terminal is ON and therefore applications functions of the mobile terminal can be carried out while the communication functions are OFF. Therefore, the "base band block" and the "radio communication block" will be effectively disconnected since the power is not supplied to the "radio communication block" (see abstract; [0035]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of above with the teachings of Usami in order to completely prevent communication of a cell phone device and thereby avoiding malfunctioning of other critical electronic devices.

**Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Okano (UK Patent Application # 2,343,335)** in view of **Bach et al. (U.S. Application # 2001/0023182)** in view of **Guterman (U.S. Patent # 7,062,303)** and further in view of **Ono et al. (U.S. Application # 2004/0192412)**.

Consider **claim 3** as applied to claim 2, Okano fails to disclose a second switch which is interposed between said base band block and said radio communication block, wherein said control unit is contained in said base band block and controls said second switch to disconnect said base band block from said radio communication block.

In the related field of endeavor, Ono et al. disclose switching means (1025) (read as second switch) which is interposed between processor for telephone functions (101) (read as radio communication block) and processor for application functions (102) (read as base band block), wherein pronunciation control part (read as control unit) is contained in the processor for application functions (102) (read as base band block) and

controls switching means (1025) (read as second switch) to disconnect processor for application functions (102) (read as base band block) from the processor for telephone functions block (read as radio communications block) (see fig. 3).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of above with the teachings of Ono et al. in order to provide power consumption.

### ***Conclusion***

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
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**Hand-delivered responses** should be brought to

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Fayyaz Alam whose telephone number is (571) 270-1102. The Examiner can normally be reached on Monday-Friday from 9:30am to 7:00pm.



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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Fayyaz Alam*

November 17, 2007

  
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